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★ AUG 18 2017 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

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UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF AN APPLICATION
FOR AN ARREST WARRANT

- Against -

JOSE NOVOA ULLOA,
also known as "Russo,"
"Russito" and "Little
"Psycho,"
Defendant.

(18 U.S.C. §§ 1959(a)(3)
and 2)

MJ 17- 741 - *Ar*

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

Joseph S. Pisciotta, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement-Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 17, 2016, within the Eastern District of New York, the defendant JOSE NOVOA ULLOA, also known as "Russo," "Russito" and "Little Psycho," together with others, for the purpose of maintaining and increasing position in La Mara Salvatrucha, also known as the MS-13 street gang (the "MS-13"), an enterprise that was engaged in racketeering activity, did knowingly and intentionally assault John Doe, an

Individual whose identity is known to the government, with one or more dangerous weapons, to wit: a knife and/or sharpened objects, in violation of New York Penal Law Section 120.05(2).

(Title 18, United States Code, Sections 1959(a)(3) and 2).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been a Special Agent with the HSI for approximately 12 years. I am currently assigned to HSI's Violent Gangs and Narcotics Unit, which investigates violent crime perpetrated by street gang members. The information contained in this affidavit comes from first-hand knowledge, surveillance, interviews of gang members, my discussions with witnesses involved in the investigation, my discussions with other agents and officers, and a review of reports and evidence related to this investigation.

La Mara Salvatrucha

2. Many of the cases investigated by the Task Force involve members of the MS-13. The MS-13 constitutes an "enterprise" as defined in Section 1959(b)(2) of Title 18, United States Code, that is, a group of individuals associated in fact

^{1/} Because the purpose of this affidavit is to establish only probable cause to arrest the defendant, I have not set forth a description of all the facts of which I am aware.

that engages in, and the activities of which affect, interstate and foreign commerce. Furthermore, the MS-13, through its members and associates, engages in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder, in violation of the laws of the State of New York, and narcotics trafficking, in violation of Title 21, United States Code, Sections 841 and 846. Over the past several years, dozens of MS-13 members have been indicted and convicted in the Eastern District of New York for, among other things, murder, conspiracy and assaults, all committed in violation of Title 18, United States Code, Section 1959(a).

3. The MS-13, primarily comprised of immigrants from El Salvador and Honduras, has members located throughout Long Island and the United States. In the United States, major MS-13 chapters, or "cliques," have been established in New York, Maryland, Virginia, North Carolina, Texas, California and elsewhere. Following induction, members of the MS-13 sometimes signify their membership with gang-related tattoos. On Long Island, MS-13 cliques have been established in various towns including Hempstead, Freeport, Westbury, Roosevelt, Huntington, Brentwood and Islip. The cliques routinely hold meetings to plan criminal activity and members pay dues into a clique treasury. The treasury funds are used to purchase firearms and ammunition

and to promote other illegal activity. Inter-clique meetings, called "Universals," are used to coordinate criminal activities among different cliques. Participation in criminal activity by a member, especially violence directed at rival gangs or police informants, increases the respect accorded to that member and could result in a promotion to a leadership position. On Long Island, MS-13 members are frequently involved in violent altercations with members of rival gangs such as the 18th Street gang, Salvadorans With Pride, the Latin Kings, the Bloods and Goon Squad. Long Island MS-13 members have repeatedly carried out assaults, stabbings and shootings targeting members of rival gangs and others, including MS-13 members believed to be cooperating with law enforcement. Long Island MS-13 members have committed numerous murders on behalf of the gang.

4. The defendant JOSE NOVOA ULLOA, also known as "Russo," "Russito" and "Little Psycho," has been identified as a member of the Huntington Criminales Locos Salvatruchas ("HCLS") clique of the MS-13 by numerous sources of evidence, including confidential sources, whose identities are known to the government and who, they themselves, are either members or associates of the MS-13.

Assault with Dangerous Weapons of John Doe

5. On September 17, 2016 at approximately 3:40 a.m., John Doe was walking near Melissa's Bar on New York Avenue in Huntington Station, New York, when several known members of the MS-13, who had been congregating in the area, accosted him. Recognizing John Doe as being someone they believed was a member of a rival gang, the MS-13 members flashed MS-13 gang signs and shouted "La Mara," prior to running directly at John Doe. Seeing the MS-13 members approach, John Doe tried to flee the area but was caught by several of the MS-13 members who punched, kicked and stabbed John Doe. Specifically, John Doe was stabbed in the upper back with a knife during the ensuing assault, which resulted in John Doe suffering a collapsed lung. John Doe was rushed from the scene to Huntington Hospital, where he received emergency surgery to repair his collapsed lung. John Doe survived the attack.

6. The Suffolk County Police Department ("SCPD") were called to the scene of the assault and immediately began their investigation. The SCPD interviewed a witness to the assault, who identified ULLOA as being one of the MS-13 gang members who participated in the assault of John Doe. On September 19, 2016, the SCPD arrested ULLOA and charged him in state court with gang assault in the first degree, in connection with the assault of

John Doe. Subsequent to his arrest, ULLOA was advised of his rights in Spanish and waived them in writing. Thereafter, ULLOA admitted, in sum and substance, that on the night that John Doe was stabbed, he had gone to Melissa's Bar but was denied entrance. While he was outside, he became involved in an altercation with a number of other individuals. ULLOA admitted to punching John Doe during the ensuing melee, but denied ever stabbing him.

7. The defendant JOSE NOVOA ULLOA, also known as "Russo," "Russito" and "Little Psycho," was charged in state court in Suffolk County in connection with the assault of John Doe and charged with one count of gang assault in the first degree, in violation of New York Penal Law § 120.07. On March 23, 2017, ULLOA pled guilty in Supreme Court Suffolk County to one count of attempted assault in the second degree, in violation of New York Penal Law §§ 120.05 and 120.00, in connection with the assault of John Doe. ULLOA was adjudicated a youthful offender on that amended charge and received a sentence of one years' incarceration.

WHEREFORE, it is respectfully requested that an arrest warrant be issued for the defendant JOSE NOVOA ULLOA, also known as "Russo," "Russito" and "Little Psycho," so that he may be dealt with according to law.

Finally, your deponent respectfully requests that this Affidavit and the arrest warrant be filed under seal due to the ongoing nature of this investigation and to avoid alerting ULLOA of the existence of the warrant.



SPECIAL AGENT JOSEPH S. PISCIOTTA
Homeland Security Investigations

Sworn to before me this
18th day of August, 2017

/s/ A. Kathleen Tomlinson

THE HONORABLE A. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK